

Regulatory Compliance

# U.S. Department of Labor Issues Enforcement Guidance For Recording Cases of COVID-19

Brought To You by U.S. Department of Labor | Apr 13, 2020

WASHINGTON, DC – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has issued *interim guidance* for enforcing OSHA’s recordkeeping requirements (**29 CFR Part 1904**) as it relates to recording cases of COVID-19.

Under OSHA’s recordkeeping requirements, COVID-19 is a recordable illness, and employers are responsible for recording cases of COVID-19, if the case:

- Is confirmed as a COVID-19 illness;
- Is **work-related** as defined by 29 CFR 1904.5; and
- Involves one or more of the **general recording criteria** in 29 CFR 1904.7, such as medical treatment beyond first aid or days away from work.

In areas where there is ongoing community transmission, employers other than those in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting and law enforcement services), and correctional institutions may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work. Accordingly, until further notice, OSHA will not enforce its recordkeeping requirements to require these employers to make work-relatedness determinations for COVID-19 cases, except where: (1) There is objective evidence that a COVID-19 case may be work-related; and (2) The evidence was reasonably available to the employer. Employers of workers in the healthcare industry, emergency response organizations and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR Part 1904.

OSHA’s enforcement policy will provide certainty to the regulated community and help employers focus their response efforts on implementing good hygiene practices in their workplaces and otherwise mitigating COVID-19’s effects.

For further information and resources about the coronavirus disease, please visit OSHA’s **COVID-19 webpage**.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to help ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit **[www.osha.gov](http://www.osha.gov)**.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

*Previously Featured on [www.dol.gov](http://www.dol.gov).*